

Chapter No. 109
10/HR03/A070SG
CT 1 EW

HOUSE BILL NO. 1616

Originated in House Don Richardson Clerk

HOUSE BILL NO. 1616

AN ACT MAKING AN APPROPRIATION FOR THE PURPOSE OF DEFRAYING THE EXPENSES OF THE OFFICE OF THE ATTORNEY GENERAL FOR FISCAL YEAR 2011.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. The following sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the State General Fund not otherwise appropriated, for the purpose of defraying the expenses of the Office of the Attorney General for the fiscal year beginning July 1, 2010, and ending June 30, 2011 .
..... \$ 8,657,689.00.

SECTION 2. The following sum, or so much thereof as may be necessary, is hereby appropriated out of any money in any special fund in the State Treasury to the credit of the Office of the Attorney General which is comprised of special source funds collected by or otherwise available to the office, for the purpose of defraying the expenses of the office for the fiscal year beginning July 1, 2010, and ending June 30, 2011
..... \$ 16,850,655.00.

SECTION 3. Of the funds appropriated under the provisions of this act, not more than the following amount shall be expended for Salaries, Wages and Fringe Benefits \$ 20,196,990.00

FUNDING:

General Funds	\$ 8,657,689.00
Special Funds	<u>16,850,655.00</u>
Total	\$ 25,508,344.00

AUTHORIZED POSITIONS:

Permanent:	Full Time	116
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	Part Time	0
Time-Limited:	Full Time	172
	Part Time	0

With the funds herein appropriated, it is the intention of the Legislature that it shall be the agency's responsibility to make certain that funds required to be appropriated for "Personal Services" for Fiscal Year 2012 do not exceed Fiscal Year 2011 funds appropriated for that purpose, unless programs or positions are added to the agency's Fiscal Year 2011 budget by the Mississippi Legislature. Based on data provided by the Legislative Budget Office, the State Personnel Board shall determine and publish the projected annual cost to fully fund all appropriated positions in compliance with the provisions of this act. It shall be the responsibility of the agency head to ensure that no single personnel action increases this projected annual cost and/or the Fiscal Year 2011 appropriations for "Personal Services" when annualized, with the exception of escalated funds. If, at the time the agency takes any action to change "Personal Services," the State Personnel Board determines that the agency has taken an action which would cause the agency to exceed this projected annual cost or the Fiscal Year 2011 "Personal Services" appropriated level, when annualized, then only those actions which reduce the projected annual cost and/or the appropriation requirement will be processed by the State Personnel Board until such time as the requirements of this provision are met.

Unless otherwise authorized in this act, no state agency shall take any action to promote or otherwise award salary increases through reallocation, reclassification, realignment, educational benchmark, career ladder, equity salary adjustment, or any other means to increase salaries of employees or positions unless specifically exempted by the following conditions: the award of teacher salary increments; the advancement of a trainee/cadet to the next level of a bona fide career ladder; the

award of an educational benchmark for the attainment of a Certified Public Accountant License or higher level professional certification based on information provided to the State Personnel Board by the Legislative Budget Office; the immediate replacement of a departing employee with an employee from within state service at a salary level of the departing employee or the Fiscal Year 2011 promotional formula, whichever is less; the emergency appointment of nurses, pharmacists or other health care and child protection professionals at a salary to be determined by the State Personnel Board; or a new hire associated with the American Recovery and Reinvestment Act of 2009. All positions supported by funds available through the American Recovery and Reinvestment Act of 2009 shall be designated as time-limited positions.

Any transfers or escalations shall be made in accordance with the terms, conditions and procedures established by law or allowable under the terms set forth within this act. The State Personnel Board shall not escalate positions without written approval from the Department of Finance and Administration. The Department of Finance and Administration shall not provide written approval to escalate any funds for salaries and/or positions without proof of availability of new or additional funds above the appropriated level.

No general funds authorized to be expended herein shall be used to replace federal funds and/or other special funds which are being used for salaries authorized under the provisions of this act and which are withdrawn and no longer available.

SECTION 4. It is the intention of the Legislature that the Office of the Attorney General shall maintain complete accounting and personnel records related to the expenditure of all funds appropriated under this act and that such records shall be in the same format and level of detail as maintained for Fiscal Year 2010. It is further the intention of the Legislature that the agency's budget request for Fiscal Year 2012 shall be submitted to

the Joint Legislative Budget Committee in a format and level of detail comparable to the format and level of detail provided during the Fiscal Year 2011 budget request process.

SECTION 5. In compliance with the "Mississippi Performance Budget and Strategic Planning Act of 1994," it is the intent of the Legislature that the funds provided herein shall be utilized in the most efficient and effective manner possible to achieve the intended mission of this agency. Based on the funding authorized, this agency shall make every effort to attain the targeted performance measures provided below:

	FY2011
<u>Performance Measures</u>	<u>Target</u>
Supportive Services	
Cost of Support Services as Percentage	
of Budget (%)	6.18
DFA Error Exception Slips per Month (Items)	36
Training	
Approval on Prosecutors Training (%)	95.00
Litigation	
Minimum Affirmations of Criminal	
Convictions (%)	85.00
Minimum Affirmations of Death Penalty	
Appeals (%)	60.00
Minimum Denial of Relief in Federal	
Habeas Corpus (%)	90.00
Minimum Positive Results of Civil	
Cases (%)	70.00
Minimum Positive Results of Section	
1983 Cases (%)	80.00
Opinions	
Assigned to Attorneys in 3 Days or Less (%)	100.00
Opinions Completed in 30 Days or Less (%)	75.00
Good & Excellent Ratings for Training (%)	85.00

State Agency Contracts

Good & Excellent Ratings for Legal Services (%)	80.00
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Insurance Integrity Enforcement

Minimum Positive Results of Workers' Compensation Cases (%)	80.00
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Minimum Positive Results of Insurance Cases (%)	80.00
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Other Mandated Programs

Medicaid Fraud Convictions vs Dispositions (%)	80.00
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Medicaid Abuse Convictions vs Dispositions (%)	80.00
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Minimum Defendants Convicted After Indictments (%)	90.00
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Response to Consumer Complaints (Days)	7.00
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Minimum Positive Results of Consumer Cases (%)	75.00
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Crime Victims Compensation

Claims Received (Claims)	1,000
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Average Compensation Award (\$)	4,200.00
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Claims Processed in 12 Weeks or Less (%)	70.00
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A reporting of the degree to which the performance targets set above have been or are being achieved shall be provided in the agency's budget request submitted to the Joint Legislative Budget Committee for Fiscal Year 2012.

SECTION 6. Of the funds appropriated under the provisions of Section 2, funds included therein which are derived from penalties and/or other funds collected by the Medicaid Fraud Control Unit shall be available for the purpose of providing the state match for federal funds available for the support of the unit, or for other lawful purposes as deemed appropriate by the Attorney

General. Further, it is the intent of the Legislature that any penalties and/or other funds collected and/or expended shall be accounted for separately as to source and/or application of such funds.

SECTION 7. It is the intention of the Legislature that the Attorney General's Office charge legal fees to all agencies where such legal services are provided. The Attorney General's Office may contract these fees on a contract rate or an hourly rate, whichever is more appropriate. Contracts with the Attorney General's Office for legal services or reimbursement for hourly legal services shall not require the approval of the State Personnel Board. The Attorney General's Office is further authorized to escalate the amount of any of its major objects of expenditure in an amount not to exceed One Million Dollars (\$1,000,000.00) above any amounts herein authorized, and to increase the number of authorized positions in order to provide the required legal services for such state agencies.

SECTION 8. Of the funds appropriated under the provisions of Section 2, the amount of Nine Hundred Fifty Thousand Dollars (\$950,000.00), or so much thereof as may be necessary, shall be made available for expenditure by the Prosecutors Training Division.

SECTION 9. It is the intention of the Legislature that the Attorney General's Office shall have the authority to accept, budget and expend any source funds not to exceed One Million Dollars (\$1,000,000.00), that become available to the office to carry out the provisions of those funds in a manner consistent with the rules and regulations of the Department of Finance and Administration. None of the funds authorized in this section shall be used to increase the major object of expenditure "Salaries, Wages and Fringe Benefits."

SECTION 10. No part of the money herein appropriated shall be used, either directly or indirectly, for the purpose of paying

any clerk, stenographer, assistant, deputy or other person who may be related by blood or marriage within the third degree, computed by the rules of civil law, to the official employing or having the right of employment or selection thereof; and in the event of any such payment, then the official or person approving and making or receiving such payment shall be jointly and severally liable to return to the State of Mississippi and to pay into the State Treasury three (3) times any such amount so paid or received; however, when the relationship is by affinity and the person through whom the relationship was established is dead, this provision shall not apply.

SECTION 11. None of the funds appropriated by this act shall be expended for any purpose that is not actually required or necessary for performing any of the powers or duties of the Office of the Attorney General that are authorized by the Mississippi Constitution of 1890, state or federal law, or rules or regulations that implement state or federal law.

SECTION 12. The following sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the State General Fund not otherwise appropriated, for the purpose of defraying the expenses of the Mississippi Commission on the Status of Women for the fiscal year beginning July 1, 2010, and ending June 30, 2011 \$ 43,723.00.

SECTION 13. The following sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the State Treasury to the credit of the Mississippi Commission on the Status of Women for the purpose of defraying the expenses of the commission for the fiscal year beginning July 1, 2010, and ending June 30, 2011 \$ 100,000.00.

This appropriation is made for the purpose of providing funds to defray the expenses of the Mississippi Commission on the Status of Women as established pursuant to Sections 43-59-1 through 43-59-14, Mississippi Code of 1972.

SECTION 14. It is the intention of the Legislature that whenever two (2) or more bids are received by this agency for the purchase of commodities or equipment, and whenever all things stated in such received bids are equal with respect to price, quality and service, the Mississippi Industries for the Blind shall be given preference. A similar preference shall be given to the Mississippi Industries for the Blind whenever purchases are made without competitive bids.

SECTION 15. Of the funds appropriated in Section 2, the sum of Eight Hundred Thousand Dollars (\$800,000.00) is provided from the Department of Health for the Alcohol and Tobacco Enforcement Unit.

SECTION 16. It is legislative intent to ensure beneficial information reaches as many Mississippians as possible. Further, it is legislative intent that the expenditure of public funds for this purpose be accomplished in an efficient and effective manner.

Therefore, state agencies as standard procedure will observe the following criteria:

- (a) Develop goals and desired result for a campaign.
- (b) Evaluate effectiveness through respected advertising standards, including market reach and cost effectiveness.
- (c) Seek public service announcements, which would be aired by media without cost.
- (d) Itemize and justify professional assistance and related expenses for creative and production costs outside of the actual media expenditures.
- (e) Utilize Mississippi-owned media companies when feasible.

SECTION 17. It is the intention of the Legislature that this agency shall have the authority to receive, budget and expend funds from any source that may become available to them as a result of the passage of the American Recovery and Reinvestment

Act of 2009 in accordance with the rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds.

The Executive Director of the Department of Finance and Administration shall have the authority to approve escalations of funds and employee positions using funds from any source available due to the passage of the American Recovery and Reinvestment Act of 2009.

The Executive Director of the Department of Finance and Administration shall immediately send notice of the approval of such budget escalation to the House of Representatives Appropriations Committee, the Senate Appropriations Committee and the Legislative Budget Office. Within fifteen (15) days of such approval, the Executive Director of the Department of Finance and Administration shall ensure that the Legislative Budget Office receives detailed and accurate information about the amount and use of federal and special source funds by state agencies as a result of the passage of the American Recovery and Reinvestment Act of 2009.

SECTION 18. No former employee who is receiving State of Mississippi retirement benefits shall be hired under contract for an amount exceeding Twenty Thousand Dollars (\$20,000.00) a year without prior approval by an agency's proper governing board or authority. Upon approval of such contracts, a written report shall be submitted detailing the cost and need of such contract services to the Chairmen and members of the Senate and House Appropriations Committees.

SECTION 19. The money herein appropriated shall be paid by the State Treasurer out of any money in the State Treasury to the credit of the proper fund or funds as set forth in this act, upon warrants issued by the State Fiscal Officer; and the State Fiscal Officer shall issue his warrants upon requisitions signed by the proper person, officer or officers, in the manner provided by law.

SECTION 20. This act shall take effect and be in force from and after July 1, 2010.

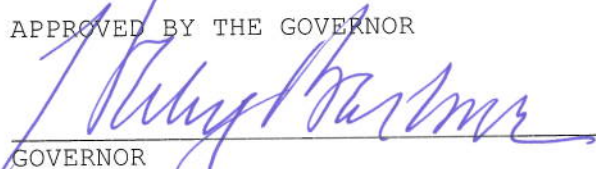
PASSED BY THE HOUSE OF REPRESENTATIVES
April 21, 2010


SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE
April 21, 2010


PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR


GOVERNOR

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